
OLR Bill Analysis

sSB 456

AN ACT CONCERNING ADOPTION OF THE CONNECTICUT CODE OF EVIDENCE BY THE SUPREME COURT.

SUMMARY:

This bill authorizes the Supreme Court to adopt a Connecticut Code of Evidence. If the court does so, the bill requires the chief justice to appoint a standing advisory committee to study the code's provisions and the development of evidence law and recommend proposed amendments to the Supreme Court.

The bill requires the advisory committee to consist of Superior Court judges and Connecticut-licensed attorneys who practice in different areas of the law, with the chairperson appointed by the chief justice. The committee may hold public hearings and the chairperson must annually report to the Judiciary Committee on the committee's activities and any proposed changes to the code under consideration. The first report is due by January 1, 2015.

The bill provides that it does not limit the Supreme Court's common law authority or the General Assembly's legislative authority over evidence law.

EFFECTIVE DATE: Upon passage

BACKGROUND

Evidence Rules

In 1999, the Superior Court judges adopted a Code of Evidence that compiled and restated court rules, court decisions, and legislation governing evidence in courts. The judges established an oversight committee to monitor the code and recommend changes. They have since adopted revisions to the code.

In *State v. DeJesus*, the Connecticut Supreme Court ruled that the

code's adoption did not eliminate the court's common law authority to develop and change evidence rules on a case-by-case basis. The court stated that it retains the power to change rules of evidence after the code's adoption (288 Conn. 418 (2008)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 36 Nay 1 (04/01/2014)